

By: Hochberg

H.B. No. 1658

A BILL TO BE ENTITLED

AN ACT

relating to the criminal combination and criminal street gang intelligence database.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 61, Code of Criminal Procedure is amended by amending Subsection (c), Art. 61.02 to read as follows:

(c) Criminal information collected under this chapter relating to a criminal street gang must:

(1) be relevant to the identification of an organization that is reasonably suspected of involvement in criminal activity; and

(2) consist of:

(A) a judgment under any law that includes as a finding, or as an element of the offense, participation in a criminal street gang or criminal combination;

(B) a self-admission by the individual of criminal street gang membership during a judicial proceeding; or

(C) any two of the following:

(i) ~~(A)~~ a self-admission by the individual of criminal street gang membership that does not occur during a judicial proceeding;

(ii) ~~(B)~~ an identification of the individual as a criminal street gang member by a reliable informant or other individual;

1                    (iii) ~~(C)~~ a corroborated identification of  
2 the individual as a criminal street gang member by an informant or  
3 other individual of unknown reliability;

4                    (iv) ~~(D)~~ evidence that the individual  
5 frequents a documented area of a criminal street gang, and  
6 associates with known criminal street gang members, ~~and~~

7                    (v) evidence that the individual uses, in  
8 more than an incidental manner, criminal street gang dress, hand  
9 signals, tattoos, or symbols, including expressions of letters,  
10 numbers, words or marks, regardless of the format or medium in which  
11 the symbol is displayed, that are associated with a criminal street  
12 gang that operates in the area frequented by the individual; or

13                    (vi) ~~(E)~~ evidence that the individual has  
14 been arrested or taken into custody with known criminal street gang  
15 members for an offense or conduct consistent with criminal street  
16 gang activity.

17            SECTION 2. Chapter 61, Code of Criminal Procedure is  
18 amended by amending Subsection (c), Article 61.06 to read as  
19 follows:

20            (c) In determining whether information is required to be  
21 removed from an intelligence database under Subsection (b), the  
22 three-year period does not include any period during which the  
23 individual who is the subject of the information is confined in:

24                    (1) the institutional division or the state jail  
25 division of the Texas Department of Criminal Justice;

26                    (2) a confinement facility of the Texas Youth  
27 Commission; or

1           (3) a county jail in which the individual serves in  
2    lieu of serving that time in the institutional division or the state  
3    jail division of the Texas Department of Criminal Justice or a  
4    confinement facility of the Texas Youth Commission.

5           SECTION 3. This Act takes effect immediately if it receives  
6    a vote of two-thirds of all the members elected to each house, as  
7    provided by Section 39, Article III, Texas Constitution. If this  
8    Act does not receive the vote necessary for immediate effect, this  
9    Act takes effect on September 1, 2007.